

STATE OF INDIANA)
COUNTY OF LAKE) SS: *Filed in Open Court*
VERNON BATEMAN) JUN 20 2017
vs.) *M. [Signature]*
STATE OF INDIANA) CLERK LAKE SUPERIOR COURT

SUPERIOR COURT OF LAKE COUNTY
CRIMINAL DIVISION
CROWN POINT, INDIANA

CAUSE NUMBER. 45G2-9802-CF-00034

STATE'S RESPONSE TO DEFENDANT'S MOTION FOR DNA TESTING

Comes now the State of Indiana, Bernard Carter, Prosecuting Attorney for the 31st Judicial Circuit, by Deputy Prosecuting Attorney, Aleksandra Dimitrijevic, and for it's motion, now states as follows:

The State of Indiana has contact Attorney Adam Tavitaz who was the Deputy Prosecuting Attorney assigned to the above captioned cause. Attorney Tavitaz' recollection of the trial testimony was that the perpetrators used a condom. Due to that reason, no DNA testing was performed.

The arguments the Petitioner makes in his motion are not proper before this Court. The argument that the victim had a sexually transmitted disease which the Petitioner would have contracted had he actually had sexual intercourse with the victim, is one which should have been made to the jury during trial. The Petitioner wants to argue the facts of the case which is not proper.

In addition, should the Court even consider allowing the Petitioner to raise such arguments, the Petitioner has waited too long. It is not simply testing samples that were collected at the same time. The Petitioner wants to collect items now and compare them to items collect in 1998. It is unfair and prejudicial to the State to do so.

Wherefore, the State of Indiana, respectfully requests the Petitioner's motion for DNA collection and DNA testing be denied.

Respectfully Submitted,

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